



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman



Thomas J. Stosur
Director

STAFF REPORT

May 27, 2010

REQUEST: City Council Bill # 10-0498 / Metropolitan District of Baltimore County – Extension 162

For the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Melvin Hicks

PETITIONER: Baltimore County Department of Public Works

OWNER: Howard Hospitality Inc. Property

SITE/GENERAL AREA

Site Conditions: The area for this extension is unimproved and heavily forested. The site is approximately 3.662 acres in size.

General Area: The subject area is located at 4508 and 4514 Painters Mill Road in northwest Baltimore County. This area is characterized by single family homes. Adjacent to the site is A Small World daycare facility and across from the site is T. Rowe Price campus. This area is zoned OR-2 and it is entirely within the Urban-Rural Demarcation Line (URDL).

HISTORY

Baltimore City, Baltimore and Carroll Counties signed the first Watershed Protection Agreement in 1979. After intensive inter-jurisdictional efforts for improvement, a second agreement was implemented in 1984. On November 16, 1990 the Reservoir Watershed Protection Subcommittee adopted the 1990 Declaration of Reaffirmation of the Reservoir Watershed Management Agreement.

CONFORMITY TO PLANS

- This site is within the Baltimore County Growth Area.
- This water extension conforms to the 1989-2000 Baltimore County Land Use Master Plan.

- This water extension conforms to Baltimore County's 1990 - 2000 Water Supply and Sewerage Plan.

ANALYSIS

This request is for water and sewer extension to 4508 and 4514 Painters Mills Road.

The Metropolitan District Act (1924), jointly supported by Baltimore City and Baltimore County before State Legislature, defined geographic limits within Baltimore county whereby the City would develop a water system and supply water to the County, at cost. The Act further allowed for expansion of the District provided 3/5 of the property owners in an area contiguous to the District request the extension. The Act places no limits on the expansions. The city's responsibility to supply water to District Extensions was upheld in the Maryland Court of Appeals decision in *Dinneen v. Rider*, 152 Md. 343 (1927). The Court states the City is "... directed to make installation of water supply service pipes to be connected to its water mains, whenever and wherever requested..."

Baltimore City supplies water for the metropolitan region. Metropolitan Water District extensions are requested by the Department of Public Works by the jurisdiction in which the extension is to be located and then it is submitted to Baltimore City. The City's Department of Public Works reviews each water extension to insure that there is sufficient capacity in the regional system to supply water to additional development that may occur as a result of the water extension.

The Planning Department staff reviews each request to confirm that the extension is in compliance with the Baltimore County Land Use Master Plan and zoning. This site is within Baltimore County's growth area (Priority Funding Area, the Urban Rural Demarcation Line, and the Water and Sewer Master Plan) and is not within the City reservoirs' watersheds. As such, the extension will not negatively impact the watersheds adjacent to the City's reservoirs.

This area is contiguous to, but outside of the jurisdiction of the Metropolitan District. The tract is intended for development pursuant to the Baltimore County Land Use Master Plan, Zoning And the Baltimore County Master Water Supply and Sewage Plan.

The Department of Public Works found that this request is in compliance with their standards.

Staff has notified the Directors of Department of Public Works for Baltimore City and County, the Director of Planning Baltimore County and the property owners of this action.

Thomas J. Stosur,
Director